

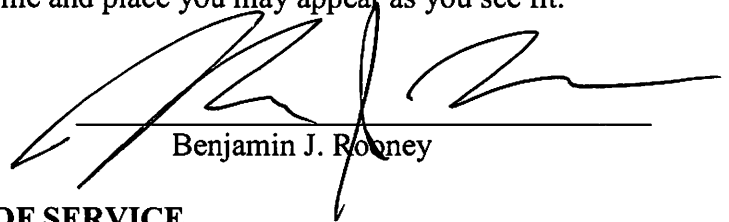
**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	
PATRICIA T. WERNER)	
)	No. 16-34935
)	Chapter 13 (Kane)
Debtors)	Honorable Janet S. Baer,
)	Hearing Date: 03/29/2019 at 9:30 a.m.

NOTICE OF MOTION

To: See attached Service List.

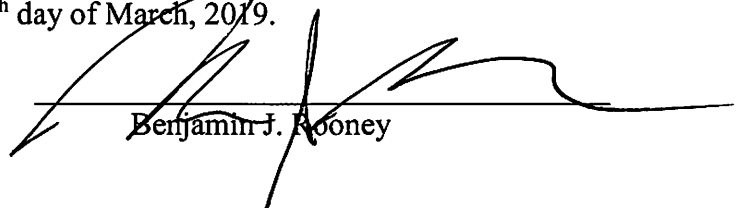
YOU ARE HEREBY NOTIFIED that on March 29, 2019, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Janet S. Baer in room 240 in the Kane County Courthouse, 100 S. Third Street, Geneva, IL 60134, and then and there present for hearing the attached **MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE** at which time and place you may appear as you see fit.



Benjamin J. Rooney

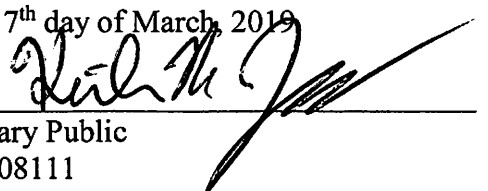
PROOF OF SERVICE

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Wheaton, Illinois addressed to the parties appearing above on the 7th day of March, 2019.



Benjamin J. Rooney

SUBSCRIBED and SWORN to before me
this 7th day of March, 2019



Notary Public
#6308111
Benjamin J. Rooney
KEAY & COSTELLO, P.C.
128 South County Farm Road
Wheaton, Illinois 60187
(630) 690-6446



SERVICE LIST

Patricia T. Werner
2830 Powell Ct
Naperville, Illinois 60563

Ronald D. Cummings
22600 Deer Path Lane
Plainfield, Illinois 60544
(By electronic notice through ECF)

Glenn B. Stearns
801 Warrenville Road, Suite 650
Lisle, Illinois 60532
(By electronic notice through ECF)

Patrick S. Layng
Office of the U.S. Trustee, Region 11
219 South Dearborn St., Room 873
Chicago, Illinois 60604
(By electronic notice through ECF)

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IN RE:)	
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PATRICIA T. WERNER)	
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Debtors)	Honorable Janet S. Baer,
)	Hearing Date: 03/29/2019 at 9:30 a.m.

**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE
BANKRUPTCY CODE**

NOW COMES a certain creditor, KINGSPORTE OF NAPERVILLE CONDOMINIUM ASSOCIATION, by and through its attorneys, KEAY & COSTELLO, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is KINGSPORTE OF NAPERVILLE CONDOMINIUM ASSOCIATION (hereinafter referred to as “KINGSPORTE OF NAPERVILLE”), an Illinois not-for-profit corporation and condominium association governed by the Illinois Condominium Property Act (765 ILCS 605/1 et seq.).

2. That the Debtor, PATRICIA T. WERNER (hereinafter referred to as “Debtor”) is the owner of residential real estate that is part of KINGSPORTE OF NAPERVILLE. Specifically, Debtor is the owner of the property located at 2830 Powell Court, Naperville, DuPage County, Illinois.

3. That pursuant to 9(g)(1) of the Illinois Condominium Property Act (765 ILCS 605/1 et seq.) and KINGSPORTE OF NAPERVILLE governing documents, which have been recorded with the Recorder of Deeds of DuPage County, Illinois, a lien attaches to the property of the Debtor to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of KINGSPORTE OF NAPERVILLE.

4. That as owner of a property at KINGSPORTE OF NAPERVILLE, the Debtor is obligated to pay assessments to KINGSPORTE OF NAPERVILLE.

5. That since the filing of Debtor's Chapter 13 petition on November 1, 2016, the Debtor has failed to remain current on her post-petition obligation to pay assessments to KINGSPORTE OF NAPERVILLE.

6. Accordingly, beginning on December 2016 through the filing of this Motion, Debtor has failed to pay the amount of \$911.43 in post-petition assessments to KINGSPORTE OF NAPERVILLE. Additionally, KINGSPORTE OF NAPERVILLE has incurred \$700.00 in attorney's fees and \$181.00 in court costs as a result of Debtor's failure to remain current on her post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Collection of said attorney fees and court costs is authorized by 9.2(b) of the Illinois Condominium Property Act and the Declaration. (765 ILCS 605/9.2(b)) (West 2017).

8. Therefore, the total amount due through the filing of this Motion for post-petition assessments, late fees, fines, attorney's fees, and court costs is \$1,792.43.

9. That pursuant to Section 362 of the Bankruptcy Code, KINGSPORTE OF NAPERVILLE moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

10. That KINGSPORTE OF NAPERVILLE is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

11. That KINGSPORTE OF NAPERVILLE is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;
- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration which result in KINGSPORTE OF NAPERVILLE being deprived of adequate protection of its interest in the real estate; and
- c. The subject real estate is not necessary for a successful reorganization of the Debtor.

12. That KINGSPORTE OF NAPERVILLE requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, KINGSPORTE OF NAPERVILLE, prays this court enter an order modifying the stay permitting KINGSPORTE OF NAPERVILLE, to initiate collection proceedings of all post-petition association assessments due from the Debtor, PATRICIA T. WERNER, as a result of the ownership of the premises described herein, and for any such other and further relief as this court deems just and equitable within the premises.

KINGSPORTE OF NAPERVILLE
CONDOMINIUM ASSOCIATION

By:

One of its attorneys

ARDC: 6308111
Benjamin J. Rooney
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